



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**RECEIPT #**

AUG 26 2002

Mr. Walter C. Beck  
Virginia Environmental Engineer  
Vulcan Materials Company  
8856 Rixlew Lane  
Manassas, Va 20109

Re: Docket No. CWA-03-2002-0212DN

Dear Mr. Beck:

Enclosed is a copy of an Administrative Order (the Order) issued this date pursuant to Section 309(a) of the Clean Water Act, (the Act) as amended, 33 U.S.C. Section 1319(a).

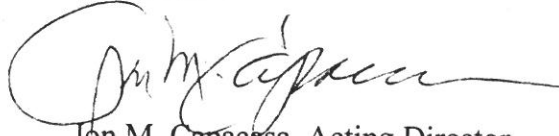
This Order contains a finding that the Vulcan Materials Company quarry located in Lorton VA, is not meeting the requirements of VPDES Permit No.VAG846018 and the Vulcan Materials Company quarry located in Manassas, VA, is not meeting the requirements of VPDES Permit No.VAG846009.

You should carefully read the contents of the enclosed Order, and communicate to each responsible official, agent or employee the actions which each such person must take to ensure compliance with its terms. Failure to comply with the terms of the Order may result in further enforcement actions being taken, including a civil suit for penalties and injunctive relief, or a criminal prosecution as appropriate.

The U.S. Environmental Protection Agency (EPA) has determined that your company may be a "small business" under the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Please see SBREFA Attachment to this letter. This Attachment provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the Attachment, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any new rights or defenses under law and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

If you require any information or assistance regarding this matter, please contact Chuck Schadel of my staff, at (215) 814-5761. Please inform this Agency of all actions taken with reference to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa", with a long horizontal flourish extending to the right.

Jon M. Capacasa, Acting Director  
Water Protection Division

Enclosure

cc: Chuck Williamson, Northern region, VADEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

IN THE MATTER OF:

Vulcan Materials Company  
8856 Rixlew Lane  
Manassas, Va 20109

RESPONDENT

:  
: Docket No.CWA-03-2002-0212DN  
:

: FINDINGS OF VIOLATION

: AND

: ORDER FOR COMPLIANCE  
:

**I. STATUTORY AUTHORITY**

1. This ORDER for Compliance is issued under the authority vested in the Administrator of the Environmental Protection Agency (hereinafter "EPA") under Section 309(a) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. Section 1319(a). Authority has been delegated by the Administrator to the Regional Administrator of EPA, Region III, and redelegated by the Regional Administrator of Region III to the Director, Water Protection Division of Region III pursuant to delegation No. 2-22 (6/19/93).
2. Section 402(p) of the Act, 33 U.S.C. Section 1342(p), and 40 C.F.R. Sections 122.1 and 122.26 provide that facilities with storm water discharges associated with industrial activity are "point sources" subject to NPDES permitting requirements under Section 402(a) of "the Act", 33 U.S.C. Section 1342(a).

**II. FACTUAL ALLEGATIONS**

3. Upon information and belief, Vulcan Materials Company (Respondent) is a corporation, and therefore a "person" as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
4. Respondent's non-metallic mineral mining facilities are classified as SIC code number 1423 (Standard Industrial Classification Manual, Revised 1987 edition by the Executive Office of the President, Office of Management and Budget).
5. At all times relevant to this Order, Respondent was the owner and/or operator of two non-metallic mineral mining facilities known as "Vulcan Occoquan Quarry" located at 10000 Ox Road, Lorton, VA 22079 and "Vulcan Manassas Quarry" located at 8537 Vulcan Lane, Manassas, VA 20109.

6. On or about June 30, 1999, pursuant to Sections 402(a) and 402(p) of "the Act", 33 U.S.C. Sections 1342(a) and (p), the Virginia Department of Environmental Quality (VADEQ) issued VPDES Permit No.VAG846018 to the Vulcan Materials Company, for the facility known as "Vulcan Occoquan Quarry" for discharges of storm water to a tributary of the Occoquan River and issued VPDES Permit No.VAG846009 for the facility known as the "Vulcan Manassas Quarry" for discharges of storm water to a tributary of Broad Run. VPDES Permit No.VAG846018 and VPDES Permit No.VAG846009 authorize discharges of storm water associated with industrial activities to waters of the United States (including discharges to or through municipal separate storm sewer systems), but only in accordance with the conditions of the permit.
7. The tributary of Broad Run, flows to Broad Run, which flows to the Potomac River. The tributary of the Occoquan River, flows to the Occoquan River, which flows to the Potomac River. All these waterbodies are "Water of the United States" within the meaning of 40 C.F.R. Section 122.2.
8. Virginia Department of Environmental Quality ("VADEQ") Water Quality Control Standards (9 VAC 25-260-10) classify the Potomac River, Broad Run, the tributary of Broad Run, the Occoquan River and the tributary of the Occoquan River, for the following designated uses: as Public Water Supply, recreational uses, propagation and growth of aquatic life and wildlife, and the production of edible, marketable resources.
9. VPDES Permit No.VAG846018 and VPDES Permit No.VAG846009 require the respondent to, among other things, develop and implement a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP describes and ensures the implementation of practices for reducing pollutants in storm water discharges associated with industrial activity.

## **II. FINDINGS OF VIOLATION**

### **Vulcan Occoquan Quarry**

10. On February 25, 2002 a representative of EPA conducted an inspection of the Vulcan Occoquan Quarry. VPDES Permit No.VAG846018 requires you to implement Best Management Practices (BMPs) for reducing the level of pollutants present in storm water discharges from your facility. During the inspection, required improvements to the SWPPP and/or required maintenance to BMPs were identified.
11. Respondent is required by VPDES Permit No.VAG846018, Part II, H.3.b. and f. to implement and document a timely inspection and maintenance program of storm water management devices.

12. As of the date of the inspection, Respondent had not implemented and documented timely inspections and maintenance for the settling basins and associated forebays at Vulcan Occoquan Quarry.
13. Respondent is required by VPDES Permit No.VAG846018, Part II, H.3.h. to implement and maintain measures that are reasonable and appropriate. The potential for various sources at Vulcan Occoquan Quarry to contribute pollutants to storm water discharges shall be considered when determining reasonableness and appropriateness. Respondent is required by VPDES Permit No.VAG116018, Part II, H.3.g. to utilize vegetative or stabilization measures on areas which have a high potential for soil loss.
14. As of the date of the inspection, Respondent had not considered the potential , for the sediment removed from settling basins, forebays and/or mining debris, to contribute pollutants to storm water discharges. (e.g., the sediments were stored next to the settling basins). As of the date of the inspection, Respondent had not vegetated or stabilized the sediment removed from the settling basins, forebays and/or mining debris.
15. Respondent is required by VPDES Permit No.VAG846018, Part II, H.3.c. to implement procedures for cleaning up leaks or spills which can contribute pollutants to storm water runoff.
16. As of the date of the inspection, Respondent had not implemented procedures for cleaning up spills at fueling locations.
17. Respondent is required by VPDES Permit No.VAG846018, Part II, H.3.h. to develop a description of storm water management controls appropriate for the Facility and implement such controls.
18. As of the date of the inspection, Respondent had not included in the SWPPP for Vulcan Occoquan Quarry, a description and justification (eg. design specifications) for the appropriateness of the settling basin at the Facility.
19. Respondent is required by VPDES Permit No.VAG846018, to record monitoring results in accordance with Part III of the permit.
20. As of the date of the inspection, Respondent had not recorded monitoring results using consistent units of measurement and had not consistently identified the name of parameters analyzed.
21. Respondent has violated Section 402 of the Act, 33 U.S.C. § 1311, by discharging pollutants in storm water from Vulcan Occoquan Quarry, to waters of the United States, in violation of VPDES Permit No.VAG846018.

Vulcan Manassas Quarry

22. On February 26, 2002 a representative of EPA conducted an inspection of the Vulcan Manassas Quarry. VPDES Permit No.VAG846009 requires you to implement Best Management Practices (BMPs) for reducing the level of pollutants present in storm water discharges from your facility. During the inspection, required improvements to the SWPPP and/or required maintenance to BMPs were identified.
23. Respondent is required by VPDES Permit No.VAG846009, Part II, H.3.b. and f. to implement a timely inspection and maintenance program of storm water management devices and document.
24. As of the date of the inspection, Respondent had not implemented and documented timely inspections and maintenance for the settling basins and associated forebays at Vulcan Manassas Quarry.
25. Respondent is required by VPDES Permit No.VAG846009, Part II, D. to reference other plans or documents used to meet the requirements for the SWPPP.
26. As of the date of the inspection, Respondent had not referenced in the SWPPP, all maps utilized to meet the permit requirements.
27. Respondent is required by VPDES Permit No.VAG846009, Part II, H2.a.(1). to include in the SWPPP, on the facility map, the locations of significant material and drainage patterns at Vulcan Manassas Quarry.
28. As of the date of the inspection, Respondent had not included the location of the overburden disposal areas nor the drainage patterns for Outfalls 003 and 004 at Vulcan Manassas Quarry.
29. Respondent is required by VPDES Permit No.VAG846009, to maintain records of analytical monitoring results in accordance with Part III of the permit.
30. As of the date of the inspection, Respondent had not maintained in the SWPPP, or referenced in the SWPPP, records of the individuals who performed the sampling, handled the samples and who performed the analyses.
31. Respondent is required by VPDES Permit No.VAG846009, Part II, H.,3.h. to develop a description in the SWPPP, of storm water management controls appropriate for the Facility and implement such controls.
32. As of the date of the inspection, Respondent had not included in the SWPPP for Vulcan Manassas Quarry, a description and justification (e.g., design specifications) for the appropriateness of the settling basins at the facility.

33. Respondent has violated Section 402 of the Act, 33 U.S.C. § 1311, by discharging pollutants in storm water from Vulcan Manassas Quarry, to waters of the United States, in violation of VPDES Permit No. VAG846009.

#### **IV. ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2002, Respondent is hereby ORDERED, pursuant to Section 309(a) of the Act, 33 U.S.C. Section 1319(a), to do the following:

34. Within **thirty (30) days** of the effective date of this Order, Respondent shall revise, implement and maintain the SWPPP for each respective facility, including any plans referenced in the SWPPP, in accordance with VPDES Permit No. VAG846018 and VPDES Permit No. VAG846009, specifically addressing the deficiencies identified in Section III of this Order.
35. Within **forty-five (45) days** of the effective date of this Order, certification by a responsible company official concerning Respondent's actions to comply with this Order shall be submitted to:

Charles A. Schadel, Compliance Officer  
U.S. EPA, Region III, (3WP31)  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Comm: (215)814-5437  
Fax: (215)814-2302

36. Any information or correspondence submitted by the Respondents to *VADEQ* under this Order shall also be copied and sent to Mr Schadel. In addition, all correspondence should contain the following reference number: CWA-03-2002-0212DN

#### **IV. GENERAL PROVISIONS**

37. Issuance of this Order shall not be deemed an election by EPA to forego any administrative, civil, or criminal action to seek penalties, fines, or any other appropriate relief under the Act for the violations cited herein. EPA reserves the right to seek any remedy available under the law that it deems appropriate for the violations cited.
38. Respondent shall permit EPA or its authorized representative to inspect any site at reasonable times to confirm that Respondent is in compliance with this Order and with any applicable permit. EPA reserves all existing inspection authority.




39. This Order does not constitute a waiver or modification of the terms or conditions of any NPDES permit. Compliance with the terms and conditions of this Order does not relieve the Respondent of its obligations to comply with any applicable federal, state, or local law or regulation.
40. Violation of the terms and conditions of this ORDER constitutes an additional violation of the Act, and may result in a civil action for injunctive relief and/or a penalty not to exceed \$27,500 per day of such violation, pursuant to Sections 309(b) and (d) of the Act, 33 U.S.C. Section 1319(b) and (d). In addition, Section 309 provides criminal sanctions for knowing or negligent violations of the Act including imprisonment and fines of up to \$50,000 per day of violation.

#### **V. EFFECTIVE DATE**

This ORDER is effective upon receipt.

Date: \_\_\_\_\_

  
Jon M. Capacasa, Acting Director  
Water Protection Division  
EPA, Region III



## Information for Small Businesses

If you are small business as defined by the Small Business Administration (defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), below is information you may find helpful.

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### Websites

EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

⇒ <a href="http://www.epa.gov">www.epa.gov</a>	<i>EPA's Home Page</i>
⇒ <a href="http://www.smallbiz-enviroweb.org">www.smallbiz-enviroweb.org</a>	<i>EPA's Small Business Home Page</i>
⇒ <a href="http://www.smallbiz-enviroweb.org/state.html">www.smallbiz-enviroweb.org/state.html</a>	<i>List of State Contacts</i>
⇒ <a href="http://www.epa.gov/ttn/sbap">www.epa.gov/ttn/sbap</a>	<i>Small Business Assistance Programs</i>
⇒ <a href="http://www.epa.gov/oeca/polguid/index.html">www.epa.gov/oeca/polguid/index.html</a>	<i>Enforcement Policy and Guidance</i>
⇒ <a href="http://www.epa.gov/oeca/smbusi.html">www.epa.gov/oeca/smbusi.html</a>	<i>Small Business Policy</i>
⇒ <a href="http://www.epa.gov/oeca/oc">www.epa.gov/oeca/oc</a>	<i>Compliance Assistance Home Page</i>
⇒ <a href="http://www.epa.gov/oeca/ccsmd/commpull.html">www.epa.gov/oeca/ccsmd/commpull.html</a>	<i>Small Businesses and Commercial Services</i>
⇒ <a href="http://www.epa.gov/oeca/ccsmd/mun.html">www.epa.gov/oeca/ccsmd/mun.html</a>	<i>Small Communities Policy</i>

### Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide free and convenient avenues to obtain assistance with environmental requirements. EPA's Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

⇒ EPA's Small Business Ombudsman.....	(800) 368-5888
⇒ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
⇒ Toxics Substances and Asbestos Information.....	(202) 554-1404
⇒ Safe Drinking Water.....	(800) 426-4791
⇒ Stratospheric Ozone/CFC Information.....	(800) 296-1996
⇒ Clean Air Technical Center.....	(919) 541-0800
⇒ Wetlands Hotline.....	(800) 832-7828

### Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

- ⇒ Access to All Centers ([www.epa.gov/oeca/mfcac.html](http://www.epa.gov/oeca/mfcac.html))